

FILED 05 AUG 2011 09:47 USDC ORP

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

RYAN BONNEAU,

Case No. 11-CV-801-ST

Petitioner,

ORDER

v.

J.E. THOMAS,

Respondent.

BROWN, District Judge.

This 28 U.S.C. § 2241 habeas corpus action comes before the court on petitioner's Motion for Temporary Restraining Order (docket #8). Petitioner asks the court to prevent respondent from: (1) imposing a 180-day telephone restriction; (2) expelling petitioner from the RDAP program at FCI-Sheridan; (3) and imposing any other sanctions against petitioner pertaining to the disciplinary incidents described in the Petition for Writ of Habeas Corpus.

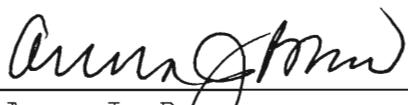
Pursuant to Fed. R. Civ. P. 65(b)(2), the court may issue a temporary restraining order without notice to the adverse party or that party's attorney only if the applicant "certifies to the court in writing the efforts, if any, which have been made to give the notice and the reasons supporting the claim that notice should not be required." Petitioner's Motion for Temporary Restraining Order includes neither a certificate of service, nor a showing of why notice to the adverse party should not be required in this case. Accordingly, Plaintiff's Motion is denied.

CONCLUSION

Petitioner's Motion for Temporary Restraining Order (docket #8) is DENIED. Petitioner has leave to renew the Motion if he either gives notice to respondent (or respondent's counsel) or certifies, as required, the efforts he has made which justify proceeding without such notice.

IT IS SO ORDERED.

DATED this 31 day of August, 2011.



Anna J. Brown
United States District Judge